

## **REMARKS/ARGUMENTS**

Claims 1 – 16 are currently pending. Claims 1 – 6, 13, 15 and 16 are withdrawn. Claims 7 – 12 and 14 are rejected.

The applicants cancel claims 1 – 6, 13, 15 and 16 in response to the examiners required restriction against claims that were originally filed and later amended in a preliminary amendment. The applicants assert that the canceled claims 1 – 6, 13, 15 and 16 are patentable and reserve the right to prosecute them in a related application.

The applicants amend claims 7 and 14 to more clearly recite an aspect of the invention, and respectfully assert that claims 7 – 12 and 14, as amended, are in condition for allowance for at least the reasons discussed below.

### **Rejection against Claims 7 – 12**

The applicants respectfully assert that claim 7, as amended, is patentable over U.S. Patents 6,164,425 (Latshaw), 4,630,837 (Kazmark), 6,634,496 (Scoglio) and 5,873,439 (Liang) at least because each fails to disclose or suggest a case's base positioned less than 40 degrees when the edge wheels and a caster wheel support the case on level ground. Support for this can be found in FIG. 2 and paragraphs 24 and 25. Please note that the case's base 26 is identified as the longest side of the travel case.

To establish a *prima facie* case of obviousness, three basic elements are required. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. And third, the references when combined must teach or suggest all the claim limitations. MPEP; 8<sup>th</sup> edition; §2143.

Latshaw, Kazmark, Scoglio and Liang each fail to disclose or suggest a case's base that is positioned less than 40 degrees when the edge wheels and a caster wheel support the case on level ground. Latshaw shows in FIG. 1 a case's base positioned greater than 45 degrees from level ground when the case is supported by edge wheels 31 and 32 and an extended support wheel 53. When

Latshaw's case is shown with the case's base less than 45 degrees (in FIG. 7) only the extended support wheels 52 and 53 support the case; the edge wheels 31 and 32 do not.

Kazmark shows in FIGS. 2, 3, 8, 9, 10, 14 and 16, a cart that would support a case's base at 45 degrees or more, if a case similar to the applicants' case was mounted on the cart. Kazmark does not disclose or suggest supporting a case's base at a position less than 40 degrees from level ground.

Liang shows in FIGS. 6 and 7 a case's base supported at a position more than 45 degrees from level ground; not less than 40 degrees. Furthermore, Liang fails to discuss or suggest positioning the member 30 along the bar 71 to support the case such that the case's base would be less than 40 degrees relative to level ground when the case is supported as shown in FIGS. 6 and 7. Liang does not disclose or suggest supporting a case's base at a position less than 40 degrees from level ground.

Scoglio shows in FIG. 1 a case that only includes edge wheels 30. Scoglio does not disclose or suggest supporting the case with a support wheel located away from the edge wheels 30.

Therefore, Latshaw, Kazmark, Scoglio and Liang each fail to support a *prima facie* case for obviousness against claim 7, as amended.

Claims 8 - 12 are patentable at least by virtue of their dependencies on claim 7, as amended.

#### **Rejection against Claim 14**

Claim 14 is patentable over Latshaw, Kazmark, Scoglio and Liang at least for reasons similar to those recited above in support of claim 7 over Latshaw, Kazmark, Scoglio and Liang. Specifically, Latshaw, Kazmark, Scoglio and Liang each fails to disclose or suggest a case's base positioned less than 40 degrees when the edge wheels and a support wheel support the case on level ground.

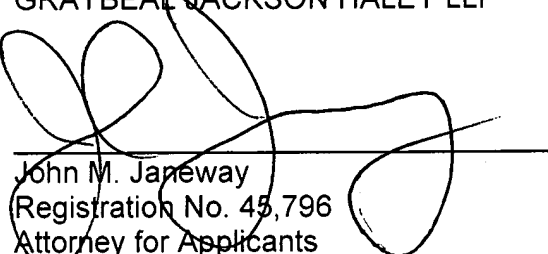
### **Conclusion**

The applicants respectfully request the examiner withdraw the rejection against claims 7 – 12 and 14, as amended, and issue an allowance for these claims.

If, after considering this response, the examiner believes the claims should not be allowed, the applicants respectfully request that before issuing an Office Action, the examiner call the applicants' attorney, Mr. Janeway (425-455- 5575), to schedule a telephone conference to further the prosecution of the claims.

Dated this 20<sup>th</sup> day of March 2007.

Respectfully submitted,  
GRAYBEAL JACKSON HALEY LLP



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